

PATENT
Attorney Docket No. 10618.0004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Alain Rambach <i>et al.</i>)	Group Art Unit: 1657
)	
Application No.: 10/528,824)	Examiner: Herbert J. Lilling
)	
Filed: March 23, 2005)	
)	
For: Method of Detecting Methicillin-Resistant Microorganisms (as amended))	Confirmation No.: 6976
)	

**Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Under 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the listed documents on the attached form PTO SB/08. This Information Disclosure Statement is being filed after the events recited in Rule 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Rule 1.17(p).

Some of the submitted documents were identified to the European Patent Office in an opposition proceeding filed against corresponding European Patent No. EP 1543147 B1. In addition to the listed documents, Applicants submit the following:

1. Reply to the Opposition Statements submitted April 15, 2008;

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2. Comments by opponent Biorad Pasteur submitted July 3, 2008;
3. Preliminary Opinion of the Opposition Division dated August 8, 2008 [original in French, English translation of the substantive comments provided];
4. Reply to Opposition Statements submitted October 16, 2008; and
5. Comments by opponent bioMerieux submitted October 16, 2008 [original in French, English translation provided].

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the U.S. Patent and Trademark Office the relevant facts and law regarding the appropriate status of such documents.


Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
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Dated: October 28, 2008

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